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Attorneys for Respondent

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

DMITRI VALLERVEICH TATARINOV,

Petitioner,

v.

**SUPERIOR COURT OF THE STATE OF
CALIFORNIA, COUNTY OF SAN DIEGO;
OFFICE OF THE CHIEF COUNSEL, DEPT.
OF HOMELAND SECURITY; U.S.
ATTORNEY, SOUTHERN DISTRICT; ICE
DETENTION & REMOVAL UNIT,**

Respondent.

07cv2033-L (NLS)

**NOTICE OF MOTION AND
MOTION TO DISMISS SUPERIOR
COURT OF THE STATE OF
CALIFORNIA**

Hearing: 1/17/08
Time: 10:30 a.m.
Courtroom: 14

The Honorable Nita L. Stormes
United States Magistrate Judge

Edmund G. Brown Jr., Attorney General of the State of California, and Sabrina Y. Lane-Erwin, Deputy Attorney General, moves this Court, for dismissal of the Superior Court of the State of California as a respondent from the above-captioned proceedings. Dismissal is required because Petitioner challenges his deportation under 28 U.S.C. § 2241 and federal immigration entities are the proper respondents. The State of California neither has custody of Petitioner nor is it involved

1 in immigration proceedings. Thus, the Superior Court of the State of California must be dismissed
2 from this action.

3 **CONCLUSION**

4 Wherefore, the Superior Court of the State of California should be dismissed from this
5 action.

6 Dated: December 17, 2007

7 Respectfully submitted,

8 EDMUND G. BROWN JR.
Attorney General of the State of California

9 DANE R. GILLETTE
Chief Assistant Attorney General

10 GARY W. SCHONS
Senior Assistant Attorney General

11 KEVIN VIENNA
Supervising Deputy Attorney General

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15 s/Sabrina Y. Lane-Erwin
16 SABRINA Y. LANE-ERWIN
Deputy Attorney General
Attorneys for Respondent

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CERTIFICATE OF SERVICE

Case Name: **Tatarinov v. Superior Court**

No.: **07cv2033-L (NLS)**

I declare:

On December 17, 2007, I electronically filed the following document(s):

**(1) NOTICE OF MOTION AND MOTION TO DISMISS SUPERIOR COURT
OF THE STATE OF CALIFORNIA; and (2) MEMORANDUM OF POINTS
AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS THE
SUPERIOR COURT OF THE STATE OF CALIFORNIA**

Electronic Mail Notice List

I have caused the above-mentioned document(s) to be electronically served on the following person(s), who are currently on the list to receive e-mail notices for this case:

Patricia Lynn Jacks

E-mail Address: pjacks@san.rr.com

Attorney for Dmitri Tatarinov

Manual Notice List

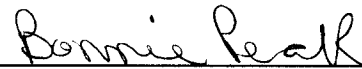
The following are those who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing):

NONE

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on December 17, 2007, at San Diego, California.

Bonnie Peak

Declarant



Signature

SD2007701085

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